



Interview Summary: Kenneth Weatherill, Government of Ontario

Background

Mr. Kenneth Weatherill is currently the Inspector General of Policing for Ontario at the Ministry of the Solicitor General (**SOLGEN**) of Ontario. He has been with SOLGEN for the past two years. Before joining SOLGEN, he had thirty-five years' experience in policing, including eight years as a Deputy Chief of Police.

Mr. Weatherill reports to Deputy Solicitor General of Community Safety, Mario Di Tommaso. Police Services Advisors (**Advisors**), who liaise directly with municipal police services boards, report to Mr. Weatherill through the Manager of the Police Services Liaison Unit (the **Liaison Unit**), Lynne Haves.

During the events of January and February 2022, Mr. Weatherill was both Deputy Inspector General and Acting Inspector General. In this role, he received information from the Advisor responsible for the Ottawa Police Services Board (**OPSB** or **Board**) and reported information regarding the OPSB to Mr. Di Tommaso.

Mr. Weatherill was interviewed by Natalia Rodriguez and Jean-Simon Schoenholz on November 17, 2022. Questions about this summary should be directed to Jean-Simon Schoenholz.

Roles and Responsibilities of the Inspector General and Police Services Advisors

One of Mr. Weatherill's responsibilities as Inspector General is executive oversight of the Liaison Unit. It is made up of six Advisors. They are responsible for advising and supporting municipal police services boards with respect to questions around board governance and the interpretation of the *Police Services Act* (**PSA**), regulations and standards.

Each Advisor is assigned to a zone. Each zone includes a number of police services boards. The OPSB falls within Zone 2. Each municipal police services board in the province is assigned one Advisor. As set out above, Advisors report to Ms. Haves, Manager of the Liaison Unit, who in turn reports to Mr. Weatherill.

Mr. Weatherill's responsibility with respect to the Liaison Unit is to provide strategic direction to Ms. Haves on the work of the Liaison Unit and to receive information from Ms. Haves and to report it up as necessary to the Deputy Solicitor General of Community Safety, Mr. Di Tommaso. Mr. Weatherill regularly engages directly with Advisors – with Ms. Haves' assistance.

Mr. Weatherill receives a report for every police services board meeting an Advisor attends. This includes any *in-camera* or special meetings the Advisor is invited to attend by the board. Where an issue arises that he believes requires escalation, Mr. Weatherill



will report it to the Deputy Solicitor General. This will typically take the form of a briefing note but may also be done by text message or phone call in urgent circumstances.

The Liaison Unit is part of the Community Safety side of the ministry for which the Deputy Solicitor General is responsible. That said, Mr. Weatherill has never received a direction from the Deputy Solicitor General of Community Safety to direct the Advisors to undertake any specific tasks or actions.

If Advisors receive a request for advice from a police services board, there are a number of sources they may turn to in order to respond. They may consult with another Advisor to seek their perspective, they may escalate to their Manager, the Deputy Inspector General or the Inspector General if necessary, or they may seek advice from legal counsel.

The work of the Liaison Unit includes providing orientation materials for new police services board members. That said, SOLGEN does not provide formal training. Board members can obtain this type of formal training through their Board's executive directors or the Ontario Association of Police Services Boards.

A part of Mr. Weatherill's current role includes preparing for the coming into force of the *Community Safety and Policing Act, 2019 (CSPA)*, which has been passed by the Ontario legislature but has not yet come into force.¹ When proclaimed in force it will replace the PSA. Under the CSPA, both the Solicitor General and the Inspector General will have defined authorities and duties, whereas under the PSA all of the Inspector General's and Advisors' authority is delegated from the Solicitor General.

The Ottawa Police Services Board

Throughout the events of January and February 2022, Mr. Weatherill was paying close attention to protests across the province. Advisors were keeping him informed of key developments at the police services board level. He would brief the Deputy Solicitor General as necessary.

Mr. Weatherill explained that there is civilian oversight of police service boards and that the experience of police services board members as well as their understanding of their responsibilities varies widely across the province. He described the OPSB as a seasoned board with a knowledgeable Executive Director.

In January 2022, Lindsey Gray was the Advisor responsible for the OPSB. Graham Wight took over this responsibility on February 14, 2022. An Advisor attended each meeting held by the OPSB during the relevant period.

Mr. Weatherill remembers receiving reports from Ms. Gray and Mr. Wight during the relevant period. He also recalls watching certain OPSB meetings. He recalls briefing Mr. Di Tommaso on the following developments.

¹ COM00000942.



First, the OPSB had requested training from Ms. Gray on their responsibilities during this type of an incident and guidance on policy development during an event. Mr. Weatherill took the position that Advisors were not to provide this type of training in the middle of a critical incident. Police services boards have governance responsibilities. Advisors were available to answer specific questions and to provide access to relevant information related to the PSA, regulations and policing standards, but they are only one resource available to police services boards. In particular, the OPSB had its own resources, had significant experience including through former board members on City Council, had access to multiple legal counsel, could seek advice from police services boards in other municipalities, and could also obtain resources through the Ontario Association of Police Services Boards.

Second, Mr. Weatherill learned that former Chair Diane Deans had attempted to hire an interim Chief on February 15, 2022 after former Chief Sloly's resignation.² It was reported publicly at one time that the Advisor had made recommendations to the Board with respect to a potential replacement for Chief Sloly. Mr. Weatherill sought clarity from Mr. Wight on this reporting, which Mr. Wight confirmed was inaccurate. Mr. Wight had only assisted the Board in obtaining contact information for a list of potential candidates identified by the Board.³

Third, Mr. Weatherill learned, also on February 15, 2022, that the Board had accepted Chief Sloly's resignation without any plans to install an interim Chief of Police by the end of the day. This would have contravened the PSA.

Finally, Mr. Weatherill worked with acting Chief Steve Bell to offer assistance in respect to requalifying a large number of Ottawa Police Service (**OPS**) members on use of force recertification. A number of officers in OPS' training branch had been redeployed in response to the protests and there was a concern that some officers scheduled for use of force training would be unable to attend and that their qualifications would lapse.

Mr. Weatherill is aware of an exchange between the Board and former Chief Sloly on February 5, 2022 with respect to whether the OPS was still providing adequate and effective policing in accordance with the PSA.⁴ Mr. Weatherill recalls that former Chief Sloly did not directly answer this question from Chair Deans. His understanding was that Chief Sloly had acknowledged his inability to address the demonstration in Ottawa while maintaining his ability to manage public safety in the City more broadly. Concurrently, Mr. Weatherill was aware that both the OPP and RCMP were assisting the OPS and that there was significant movement behind the scenes to make significant resources available to the OPS. While a concrete plan for the deployment of these resources was not yet in place, Mr. Weatherill was comforted that a unified command (if established) with the OPP as well as support from other police services would be supporting and assisting the OPS.

² ONT00001117.

³ ONT00001121.

⁴ ONT00001115.



Mr. Weatherill does not recall briefing Mr. Di Tommaso about the exchange relating to adequate and effective policing raised during the February 5, 2022 Board meeting.

Mr. Weatherill was made aware – through the media – of the OPS' inability to conduct enforcement at times and reports of protesters swarming officers attempting to conduct enforcement. He explained that in his policing experience, where there is time and no imminent risk to injury or death, police services may reasonably decide to delay enforcement action. He acknowledged not having been briefed on the public safety risks in Ottawa during these events and advised that he was not provided OPS operational plans.

Mr. Weatherill explained that he found it concerning that former Chief Sloly did not share an operational plan with the Board when asked for it. He observed that the Board was asking questions of OPS leadership and not receiving answers.

To the best of Mr. Weatherill's knowledge, the only advice provided to the Board by Ms. Gray was the information provided in response to Board questions on their role and captured in the documentation disclosed to the Commission.⁵

On February 9, 2022, in response to the Board's questions on information requirements to fulfill its governance role, Mr. Weatherill commented that a meeting addressing this question "could become contentious" if Chief Sloly attended.⁶ He explained that, in his experience as a Deputy Chief, discussions can sometimes become contentious once a board begins requesting specific operational details. In his view, there should be no tension associated with such requests. He had, however, observed that there appeared to be tension developing between the Board and former Chief Sloly around this issue.

Mr. Weatherill explained that the expectation is that police services boards are well informed of their responsibilities. Advisors are only one source of information available to them. Moreover, Advisors are not aware of advice potentially being sought by a board from other sources, what information the board is receiving from those other sources, or what discussions are taking place among board members and with the Chief outside the Advisors' knowledge.

Mr. Weatherill explained that it would be improper for an Advisor to interrupt a board meeting in the absence of an incident of acute non-compliance. Acute non-compliance would include an infringement of human rights occurring at a meeting, or the type of incident described above, where Mr. Wight did intervene on February 15, 2022 to ensure an interim Chief was put in place by the end of the day.

In the normal course, Advisors are there to provide advice to municipal police services boards on request. That said, Mr. Weatherill acknowledged that it was open to an Advisor to contact the Chair of a board to ask them to discuss an issue.

⁵ See ONT00001111, ONT00001112 and ONT00001120.

⁶ ONT00001111.



Confidentiality of *In-Camera* Board Meetings

Mr. Weatherill is briefed on the content of both public and *in-camera* police services board meetings.

Information discussed in *in-camera* meetings is confidential and is not to be shared outside of the Board. That said, where information is relevant to the Solicitor General's responsibilities as set out at paragraphs 3(2)(b) and (g) of the PSA, the information is provided to Mr. Weatherill by the Advisors and he may also report it to the Deputy Solicitor General as necessary.

Mr. Weatherill explained that SOLGEN staff do not sign a confidentiality undertaking with respect to information shared in *in-camera* police services board meetings. Instead, he explained that their oath as public servants includes confidentiality obligations that would prevent them from discussing information shared *in-camera* outside of the relevant reporting structure.

Mr. Weatherill was not aware of any confidentiality concerns specific to the OPSB.

If there existed concerns about a board member's failure to respect the confidentiality of information shared *in-camera*, such concerns should be advanced to the Ontario Civilian Police Commission (**OCPC**) for investigation. Penalties could be imposed on an escalating scale and a number of options are available to the OCPC including training, board member suspension or removal.

The Morden Report

Mr. Weatherill explained that when relevant recommendations are made by commissions of inquiry, they are taken seriously by SOLGEN and police services. In his experience, police services ensure that their policies are updated in light of such guidance.

Mr. Weatherill is aware that the SOLGEN issued a memorandum to police services boards and all police Chiefs when the Morden report (**Morden**) was released.

In Mr. Weatherill's view, the Board was not holding Chief Sloly accountable to the extent it was entitled to, as supported by recommendations in the Morden report.

Where a board is not properly exercising its oversight function, Mr. Weatherill explained that an Advisor could reach out to board members to assist them in better understanding their responsibilities. However, he noted that boards in large municipalities, like the OPSB, do not typically lean on Advisors in this way as they have access to legal counsel and other resources. Ultimately, under the PSA it is the sole responsibility of municipal police services boards to direct the Chief of Police and monitor their performance. It is not up to the SOLGEN to weigh in.



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Concluding Thoughts

Asked to comment on recommendations going forward, Mr. Weatherill referred to the upcoming changes as adopted in the CSPA, which has not yet been proclaimed in force.